

ENTERED

July 29, 2016

David J. Bradley, Clerk

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF TEXAS
BROWNSVILLE DIVISION**

JOSE FERNANDO
POLANCO-OZORTO,
Petitioner,

v.

UNITED STATES OF AMERICA,
Respondent.

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Civil Action No. 1:16-cv-130
(Criminal No. 1:13-cr-346-1)

**ORDER ADOPTING MAGISTRATE
JUDGE'S REPORT AND RECOMMENDATION**

Before the Court is the Magistrate Judge's Report and Recommendation in the above-referenced cause of action. No objections have been filed. After a de novo review of the file, the Magistrate Judge's Report and Recommendation is **ADOPTED**. It is therefore, **ORDERED, ADJUDGED, and DECREED** that Polanco-Ozorto's § 2255 Motion (Docket No. 1) is **DISMISSED** with prejudice pursuant to Rule 4(b) of the Rules Governing Section 2255 Proceedings for the United States District Courts. As such, Polanco-Ozorto's Motion for Appointment of Counsel (Docket No. 2) is **DENIED** as moot. A certificate of appealability shall not issue.

Signed on this 29th day of July, 2016



Rolando Olvera
United States District Judge